

**Notice of Allowability**

Application No.

10/067,409

Applicant(s)

HAMABE, KOJIRO

Examiner

Art Unit

Huy D Nguyen

2681

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 02/07/2002.
2. ☒ The allowed claim(s) is/are 1-27.
3. ☒ The drawings filed on 07 February 2002 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. Claims 1, 10, 18, and 27 are allowed. The following is an examiner's statement of reasons for allowance:

Regarding claims 1 and 10, De Hoz Garcia-Bellido et al. (U.S. Patent No. 6,324,401) teaches a mobile communication system in which a process of switching a base station to accommodate a mobile station to another base station is performed by soft handover and, based on transmission diversity control information fed back from said mobile station, said base station controls said transmission diversity so that a receiving state at said mobile station becomes the best (Col. 4, lines 56-67). However, the closest prior arts, De Hoz Garcia-Bellido et al. and Willenegger (US 2002/0009061), fail to teach that the system comprises a first determination means of, during said soft handover, determining said transmission diversity control information during reception of data by a PDSCH (Physical Downlink Shared Channel) based on the receiving state of a signal from the base station sending said PDSCH; and a second determination means of, during said soft handover, determining said transmission diversity control information during standby waiting for reception of the data by said PDSCH based on the receiving state after synthesis of the signal from each subject base station of said soft handover.

Regarding claims 18 and 27, De Hoz Garcia-Bellido et al. (U.S. Patent No. 6,324,401) teaches a transmission diversity application method of a mobile communication system in which a process of switching a base station to accommodate a mobile station to another base station is performed by soft handover and, based on transmission diversity control information fed back from said mobile station, said base station controls said transmission diversity so that a receiving

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state at said mobile station becomes the best. However, the closest prior arts, De Hoz Garcia-Bellido et al. and Willenegger (US 2002/0009061), fail to teach that the method comprises a first step of, during said soft handover, giving an instruction to switch to a first determination means of determining said transmission diversity control information during reception of data by a PDSCH (Physical Downlink Shared Channel) based on the receiving state of a signal from the base station sending said PDSCH; and a second step of, during said soft handover, giving an instruction to switch to a second determination means of determining said transmission diversity control information during standby waiting for reception of the data by said PDSCH based on the receiving state after synthesis of the signal from each subject base station of said soft handover.

Claims 2-9 depend on claim 1. Therefore, they are allowable.

Claims 11-17 depend on claim 10. Therefore, they are allowable.

Claims 19-26 depend on claim 18. Therefore, they are allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy D Nguyen whose telephone number is 703-305-3283. The examiner can normally be reached on M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 703-308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Huy Nguyen



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